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REMARKS

Claims 3, 8, 13, 16-24, 27-29, 41-42, 45-46, 49-50, 56-73, and 76-77 are pending. By this Amendment, Claims 44, 48, 52, and 74-75 are canceled without prejudice or disclaimer, and Claims 41-42, 45-46, 49-50, 72 and 77 are amended.

Applicants gratefully acknowledge the indication in the Office Action that Claims 3-8, 13, 27-29 and 56 are allowed.

In the Office Action, the Examiner rejects Claims 74-75 under 35 U.S.C. § 112, second paragraph. Applicants respectfully submit that the cancellation of Claims 74-75 obviates this rejection.

In the Office Action, the Examiner rejects Claims 16-24, 41-42, 45-46, and 49-50 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,570,582 to Sciammarella, *et al.* (Sciammarella) in view of Screen Dumps of Microsoft Windows NT ("MS Win"). This rejection is respectfully traversed.

Sciammarella discloses sizing images based date/time of retrieval or creation of the images. See, e.g., Sciammarella at column 4, lines 41-45.

With respect to independent Claim 16, the Examiner asserts that MS Win discloses displaying icons in a sequential order based on a number of files in the object. This is incorrect. The "Arrange Icons – by Size" function in Windows NT arranges files by size, but does not arrange folders by size or number of files in the folders. When "Arrange Icons – by Size" is selected for a window containing files and folders, Windows NT orders the files by size, and orders the folders by name, alphabetically. The folders in Figure 2 attached to the Office Action are ordered alphabetically by name – the fact that they are also ordered by number of files they contain is merely coincidental. Windows NT does not order folders by size, either by

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the number of files the folders contain or by the cumulative size of the files within each folder.

On numbered page 7 of the Office Action, the Examiner asserts that Figure 3 attached to the Office Action (MS Win) discloses displaying icons based on an amount of memory that an object uses. This is incorrect, because Figure 3 illustrates that a user can select the pixel dimensions of a desktop area, and this has nothing to do with sizing an icon based on a size of an object the icon represents.

For at least the above reasons, the asserted combination of Sciammarella and MS Win fails to disclose or suggest independent Claims 16, 19, 22, 41- 42, 45- 46 , 49-50 and the claims depending from them. Withdrawal of the rejection of Claims 16-24, 41-42, 45-46, and 49-50 under 35 U.S.C. § 103(a) over Sciammarella in view of MS Win is respectfully requested.

In the Office Action, the Examiner rejects Claim 30 under 35 U.S.C. § 103(a) over MS Win in view of Sciammarella. Applicants respectfully submit that the cancellation of Claim 30 obviates this rejection.

In the Office Action, the Examiner rejects Claims 44, 48 and 52 under 35 U.S.C. § 102(e) over Sciammarella. Applicants respectfully submit that the cancellation of Claims 44, 48 and 52 obviates this rejection.

In the Office Action, the Examiner rejects Claims 57-77 under 35 U.S.C. § 102(b) over MS Win. This rejection is respectfully traversed.

In MS Win, for example Figures 1-2, all icons in a particular window begin at one size either large or small, and end up at one size, either large or small. Any change in icon size is applied uniformly to all the icons, and all the icons are uniformly sized. Accordingly, MS Win fails to disclose or suggest sizing a selected

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icon *individually* based on a user's indication of size for the selected icon, as recited in independent Claim 57. MS Win likewise fails to disclose or suggest similar features recited in independent Claims 61 and 63. Furthermore, MS Win apparently fails to disclose or suggest sizing a selected *subset* of icons based on a user's arbitrary indication of size for the selected subset, as recited in independent Claim 66, and similar features recited in independent Claims 69 and 71. Claims variously depending from independent Claims 57, 61, 63, 66, 69 and 71 are likewise allowable for at least the same reasons.

With respect to independent Claim 77, MS Win fails to disclose or suggest receiving a user's selection of icons from the plurality of icons, wherein the selection indicates an order in which the selected icons were selected by the user, and automatically sizing each of the selected icons based on its location in the order relative to the other selected icons, as recited in Claim 77.

On numbered page 12 of the Office Action the Examiner apparently refers to a sequence of steps by which a user sets icons in a window to either "small icons" or "large icons", but this citation fails to disclose or suggest sizing icons based on a sequence in which a user selected the icons, and thus fails to disclose or suggest receiving a user's selection of icons from the plurality of icons, wherein the selection indicates an order in which the selected icons were selected by the user, and automatically sizing each of the selected icons based on its location in the order relative to the other selected icons, as recited in Claim 77.

For at least the above reasons, Applicants respectfully request withdrawal of the rejection of Claims 57-77 under 35 U.S.C. § 102(b) over MS Win.

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Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 25 July 2005By: 

M. David Ream

Registration No. 35,333

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620